

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

RUSSELL MARTINEZ,

Plaintiff,

v.

**USDC Case No. 14-CV-00534 KG/WPL
District Court Case No. D-117-CV-2014-00159**

JOSEPH SALAZAR, et al.,

Defendants.

**ANSWERS TO PLAINTIFF'S FIRST SET OF INTERROGATORIES
TO DEFENDANT JOSEPH SALAZAR**

COMES NOW Defendant Joseph Salazar, by and through his attorneys Basham & Basham, P.C. (Mark A. Basham) and for his Answers to Plaintiff's First Set of Interrogatories to Defendant Joseph Salazar, states as follows:

INTERROGATORIES

Plf.'s Interrogatory No. 2 to Espanola Defs.: Please provide a full and detailed description of your involvement and interactions with Plaintiff and Plaintiff's wife, Jackie Martinez, on May 11, 2012. Include in your answer all events that occurred at the Espanola Sonic, all events that occurred at Presbyterian Espanola Hospital, the specific identities of any person who was present at either location, and any statements made by any person.

ANSWER:

On May 11, 2012, at approximately 2:27 PM, Officer Joseph Salazar was in route to another call when he was re-routed to 1207 North Riverside Drive Fairview Sonic. According to the second call, a woman was running and yelling for someone to call police at this Sonic location. Officer Salazar arrived at this location, and he made contact with Hermenojildo

EXHIBIT D

Quintana, the Sonic Manager. Mr. Quintana pointed towards the direction where the woman yelled to call for the police.

Officer Salazar saw a woman wearing a black shirt hiding behind one of the Sonic menus. Then Officer Salazar spoke with this woman, who was later identified as Jackie Martinez. The two of them spoke. Apparently, Mrs. Martinez and her husband Russell Martinez came to Sonic to get a Slushy. She went on to say that her husband became angry, and the two of them began to fight. During this fight, Mr. Martinez tried to drive away in their vehicle, but Mrs. Martinez was able to remove the keys from the ignition. In so doing, Mr. Martinez grabbed her arm, and Mrs. Martinez struggled to get free. After getting free, Mrs. Martinez yelled for someone to call the police.

Officer Salazar then went towards their vehicle. As he approached the vehicle, Officer Salazar noticed a brown paper bag over Mr. Martinez's right hand. Officer Salazar opened the driver's side door, where Mr. Martinez was sitting, and asked Mr. Martinez to step outside the vehicle in order to discuss the situation involving his wife. He yelled, "Fuck you!" And he slammed the door nearly crushing Officer Salazar's fingers in the process. Officer Salazar tried to open the driver's side door a second time, but the door was locked. Then Salazar knocked on the window. Mr. Martinez opened the door just a little and yelled at Salazar. Officer Salazar grabbed ahold of the door and asked Mr. Martinez a second time to step outside the vehicle. In response, Martinez opened his door much more wider and hit Officer Salazar with the open door. Then he hit Officer Salazar with a closed fist on the side of his head.

Officer Joseph Salazar attempted to pull Martinez out of the vehicle by grabbing him in the arm. In response, Martinez lunged at Salazar and grabbed the butt of the Officer's sidearm. Immediately, Officer Salazar called Dispatch via his hand-held radio to request another unit.

Salazar was able to break free of Martinez's grasp of his fireman. Martinez attempted to hit Salazar a second time, but the punch did not connect. Afterwards, Officer Salazar was able to pull Martinez out of the vehicle in order to apprehend him.

While on the ground, Mr. Martinez tried to again grab the butt of Salazar's sidearm. Officer Salazar then used his Taser in dry-stun mode and commanded Martinez to put his hands behind his back. The dry-stun had no appreciable effect. Mario Lovato, a passer-by, helped Officer Salazar. To Mr. Lovato, Martinez appeared to be high on drugs. Lovato heard Martinez say that he had HIV/AIDS as Martinez tried to bite this individual's arm and leg. Lovato was able to restrain Martinez by placing his knee on Martinez's head. While this occurred, Officer Greg Esparza arrived at the scene and used his Taser on Mr. Martinez. The darts were fired from a distance of four (4) feet. Finally, Mr. Martinez was successfully apprehended. Russell Martinez was arrested for Battery Upon Peace Officer.

Since a Taser was employed, paramedics were called to the scene per departmental policies and procedures. These paramedics removed the Taser darts from Mr. Martinez. Afterwards, Martinez was transported to Espanola Hospital. The purpose of this visit was to obtain a Medical Clearance from the Emergency Hospital. Since a Medical Clearance could not be obtained, Mr. Martinez was released from custody.

Plf.'s Interrogatory No. 3 to Espanola Defs.: If you were present with Plaintiff at the Presbyterian Espanola Hospital on May 11, 2012, please provide a full and detailed description of each person to whom you spoke about Plaintiff, each person who spoke to you about Plaintiff, and the contents of these conversations. In your answer, please also identify and provide a full and detailed description of every person you saw speaking with Plaintiff and, to the extent you

overheard any of these conversations, the content of those conversations.

ANSWER:

Defendant Joseph Salazar is no longer employed by Defendant Espanola Department of Public Safety. City Defendants have attempted to locate Defendant Joseph Salazar without success. City Defendants reserve the right to supplement their Answer to this Interrogatory once Defendant Joseph Salazar has been located.

Plf.'s Interrogatory No. 4 to Espanola Defs.: Please provide a full and detailed description of your educational history beginning with high school. Include in your answer all vocational training, certifications you have received, the years of attendance for each school, whether you graduated, and your grade-point average.

ANSWER:

Defendant Joseph Salazar is no longer employed by Defendant Espanola Department of Public Safety. City Defendants have attempted to locate Defendant Joseph Salazar without success. City Defendants reserve the right to supplement their Answer to this Interrogatory once Defendant Joseph Salazar has been located.

Plf.'s Interrogatory No. 5 to Espanola Defs.: Please provide a full and detailed description of your work history. Include in your answer the pay you received and your rank and job duties throughout your time with each employer, and for each employer that you no longer work for, the specific reason why you resigned or were terminated.

ANSWER:

Defendant Joseph Salazar is no longer employed by Defendant Espanola Department of Public Safety. City Defendants have attempted to locate Defendant Joseph Salazar without success. City Defendants reserve the right to supplement their Answer to this Interrogatory once Defendant Joseph Salazar has been located.

Plf.'s Interrogatory No. 6 to Espanola Defs.: Please provide a full and detailed description of the training you have received as, or to become, a law enforcement officer. Include in your answer a list, by name, of all classes or courses that you have completed, the date you completed the class or course, the length of the class or course, who acted as the instructor for the class or course, and whether you have any certificates showing completion of any such class or course.

ANSWER:

Defendant Joseph Salazar is no longer employed by Defendant Espanola Department of Public Safety. City Defendants have attempted to locate Defendant Joseph Salazar without success. City Defendants reserve the right to supplement their Answer to this Interrogatory once Defendant Joseph Salazar has been located.

Plf.'s Interrogatory No. 7 to Espanola Defs.: Please provide a full and detailed description of any disciplinary action that has been taken, or any grievance or complaint that has been lodged, against you in your capacity as a law enforcement officer, whether you were employed by the City of Espanola or elsewhere.

ANSWER:

Defendant Joseph Salazar is no longer employed by Defendant Espanola Department of Public Safety. City Defendants have attempted to locate Defendant Joseph Salazar without

success. City Defendants reserve the right to supplement their Answer to this Interrogatory once Defendant Joseph Salazar has been located.

Plf.'s Interrogatory No. 8 to Espanola Defs.: Please provide a full and complete description of any time you have been arrested for, or charged with, a crime. Include in your answer the date and place of arrest, the reason for the arrest, the name of the law enforcement agency involved in the arrest, the charges, if any, that were filed against you, the name of the court the charges were heard in, the outcome of the charges and the punishment, if any, you received upon conviction or adjudication as delinquent.

ANSWER:

Defendant Joseph Salazar is no longer employed by Defendant Espanola Department of Public Safety. City Defendants have attempted to locate Defendant Joseph Salazar without success. City Defendants reserve the right to supplement their Answer to this Interrogatory once Defendant Joseph Salazar has been located.

Plf.'s Interrogatory No. 9 to Espanola Defs.: Please provide a full and complete description of any lawsuit, other than the instant case, in which you have been a party. For each lawsuit, include in your answer the names of the parties involved in the lawsuit, the name of the court in which the lawsuit was filed, the case number of the lawsuit, and the names of the attorneys representing any party in the lawsuit.

ANSWER:

Defendant Joseph Salazar is no longer employed by Defendant Espanola Department of Public Safety. City Defendants have attempted to locate Defendant Joseph Salazar without

success. City Defendants reserve the right to supplement their Answer to this Interrogatory once Defendant Joseph Salazar has been located.

Respectfully submitted by:

BASHAM & BASHAM, P.C.

/s/ **Mark A. Basham**

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